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S

PATENT
HMV-04801

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
McKeon et al.)
Appl. No.: 09/575,580) Art Unit: 1646
Filed: May 22, 2000) Examiner: To Be Assigned
For: *Calcipressins: Endogenous Inhibitors of*)
Calcineurin, Uses and Reagents Related Thereto)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on January 2, 2002.

Kristen Willett
Kristen Willett

Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR STATUS

Applicants respectfully request the status of the above-captioned U.S. patent application. On March 2, 2001 we filed a Petition and Declaration Under 37 C.F.R. §1.47 and to date have not received a Response. If there are any fees due in connection with the filing of this inquiry, please charge these to our Deposit Account No. 06-1448.

If there are any questions after reviewing this paper, the undersigned may be reached at (617) 832-1242.

Respectfully submitted,

Anita Varma
Anita Varma
Reg. No. 43,221
Attorney for Applicants

Date: January 2, 2001
Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170
Tel: (617) 832-1242
FAX: (617) 832-7000



#11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

McKeon, et al.

Serial No: 09/575,580

Filed: May 22, 2000

For: *Calcipressins; Endogenous Inhibitors
of Calcineurin, Uses and Reagents
Related Thereto*

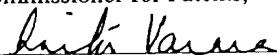
Art Unit: 1646

Examiner: To Be Assigned

Attorney Docket No: HMV-048.01

CERTIFICATE OF FIRST CLASS MAILING

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Anita Varma

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

PETITION AND DECLARATION UNDER 37 C.F.R. § 1.47

Pursuant to 37 C.F.R. § 1.47(a), Applicants respectfully petition the Commissioner to allow the available joint inventors to make the above captioned application for patent on behalf of themselves, and on behalf of a joint inventor, Dr. Kayako Kimbara, who could not be found or reached after diligent effort. As set forth in more detail below and in the attached exhibits, Applicants have been unable to find or reach Dr. Kayako Kimbara.

A check for \$130 is enclosed to cover the fee set forth in §1.17(h). The Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Account** No. 06-1448

1. The last known address of Dr. Kayako Kimbara is 1455 Beacon Street, Brookline, MA 02446.
2. The last known phone number for Dr. Kayako Kimbara is (617) 432-0327.
3. On information and belief, Dr. Kayako Kimbara's contribution to the invention claimed in the above-captioned application was made during and pursuant to her appointment at Harvard University as a post-doctoral fellow.
4. The above-captioned application claims priority to United States provisional patent applications 60/135,431, and 60/161,195 which names Dr. Frank McKeon and Dr. Sandra W. Ryeom.
5. Dr. Frank McKeon and Dr. Sandra W. Ryeom who have signed the declaration for the above-captioned patent application, will assign their entire rights and interests in said application to the President and Fellows of Harvard University.
6. Upon joining Harvard University as a post-doctoral fellow, Dr. Kayako Kimbara, executed an agreement with the President and Fellows of Harvard University, stating that she would assign all rights to any invention or discovery conceived or reduced to practice as part of or related to her University activities. Dr. Kayako Kimbara further agreed to fully cooperate in the preparation and prosecution of patent applicants and to execute all documents necessary thereto. See Exhibit A.
9. On or around January 4, 2000, Dr. Kayako Kimbara abruptly left Harvard University and left no forwarding address.
10. On October 31, 2000, the undersigned sent, by certified mail, a copy of the oath or declaration to Dr. Kayako Kimbara for signature to her last known address. A copy of the undersigned's letter and the Certified Mail Receipt are attached hereto as Exhibit B.
The letter was received and signed for by Jiangyu Zhu on November 13, 2000.
11. On November 14, 2000, the undersigned received a telephone call from Dr. Kayako Kimbara asking for a copy of the application to be mailed to her. During this telephone conference, Dr. Kayako Kimbara stated that she would fax her contact information to the undersigned. However, no such fax was received from Dr. Kayako Kimbara.
12. On November 15, 2000, the undersigned sent a copy of the application to Dr. Kayako Kimbara, but it was not received. The undersigned was informed that the application could not be delivered and was returned to the undersigned. See Exhibits C and D.

13. Finally, on December 4, 2000, the undersigned sent a copy of the specification and declaration to the same address. This package was also returned to the undersigned. See Exhibit E.

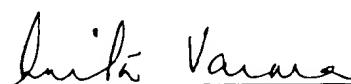
Accordingly, Applicants respectfully submit that despite "diligent effort", Applicants have been unable to reach or find Dr. Kayako Kimbara. Thus, Applicant respectfully petitions, under 37 C.F.R. §1.47(a), that the available joint inventors be allowed to make the above-captioned application for patent on behalf of the nonsigning inventor Dr. Kayako Kimbara.

Should there be any questions after reviewing this paper, please contact the undersigned at (617) 832-1242.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
FOLEY, HOAG, & ELIOT, LLP

Dated: March 2, 2001


Anita Varma, Esq.
Registration No. 43,221
Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109

Customer No: 25181



DECLARATION FOR PATENT APPLICATION

Docket Number: HMV-048.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CALCIPRESSINS: ENDOGENOUS INHIBITORS OF CALCINEURIN, USES AND REAGENTS RELATED THERETO

the specification of which (check one): is attached hereto.
 was filed on May 22, 2000 as United States Application Number 09/575,580.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority Claimed		
(Number)	(Country)	(Day/Month/Year Filed)	() Yes () No
(Number)	(Country)	(Day/Month/Year Filed)	() Yes () No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

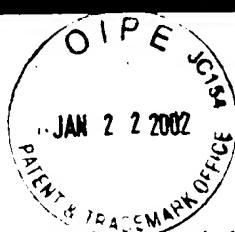
60/135,431 May 21, 1999
(Application Number) (Filing Date)

60/161,195 October 22, 1999
(Application Number) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Number)	(Filing Date)	(Status: patent, pending, abandoned)
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Other applications, applications for reexamination, and/or other proceedings filed by me in the United States Patent and Trademark Office in which I am a party and which are attached, include: David J. Borchard, Reg. No. P-44,735; Edward J. Kelly, Reg. No. 38,936; Robert A. Mazzarese, Reg. No. 42,852; Chinh Pham, Reg. No. P-44,735; Wolfgang Stutius, Reg. No. 40,256; Kingsley Taft, Reg. No. 43,946; and Anita Varma, Reg. No. 43,221, 39,329; , Wolfgang Stutius, Reg. No. 40,256; Kingsley Taft, Reg. No. 43,946; and Anita Varma, Reg. No. 43,221



as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

(Page 1 of 2)

Address all telephone calls to Matthew P. Vincent at telephone number (617) 832-1000.

Address all correspondence to: Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, Ma. 02109-2170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Frank McKeon

Nov 6, 2000

Date

Inventor's signature

USA

311 Commonwealth Avenue, Boston, MA 02115

Citizenship

Residence

same as above

Post Office Address

Full name of second joint inventor, if any (given name, family name): Kimbara Kayako

Inventor's signature

Date

1455 Beacon Street, Brookline, MA 02446

USA

Residence

Citizenship

same as above

Post Office Address

Full name of second joint inventor, if any (given name, family name): Sandra Ryeom Sandra W. Ryeom

Inventor's signature

Date

227 Washington Street, Apt 4, Brookline, MA 02445

USA

Residence

Citizenship

same as above

Post Office Address

(Page 2 of 2)

Customer
Ind company

FedEx Service:

Declared value limit \$100. See declared value limit information below.

or **Priority in this ~~mail~~ overnight** THU
or Priority in STANDARD OVERNIGHT

FedEx

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16 NOV 00
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02446 -MA-US
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0215
Recipient's Copy

4a Express Package Service

Packages up to 150 lbs.
Delivery commitment is to have in some cases
FedEx First Overnight
FedEx Standard Overnight
FedEx Express Saver
FedEx Express
FedEx 20 Day*
Second business day

4b Express Freight Service

Packages over 150 lbs.
Delivery commitment is to have in some cases
FedEx First Overnight
FedEx Standard Overnight
FedEx Express Saver
FedEx 20 Day Freight
FedEx 30 Day Freight
FedEx Business Day

4c Express Air Service

Packages up to 150 lbs.
Delivery commitment is to have in some cases
FedEx First Overnight
FedEx Standard Overnight
FedEx Express Saver
FedEx Express
FedEx 20 Day*
Second business day

4d Express Freight Service

Packages over 150 lbs.
Delivery commitment is to have in some cases
FedEx First Overnight
FedEx Standard Overnight
FedEx Express Saver
FedEx Express
FedEx 20 Day Freight
FedEx 30 Day Freight
FedEx Business Day

4e Domestic Air Service

Packages up to 150 lbs.
Delivery commitment is to have in some cases
FedEx First Overnight
FedEx Standard Overnight
FedEx Express Saver
FedEx Express
FedEx 20 Day*
Second business day

5 Packaging

Packaging
FedEx Envelope/Letter
FedEx Pak*

6 Special Handling

SATURDAY Delivery
Available only to FedEx Priority
Overnight and FedEx 20 Day
Delivery to selected locations

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below
Sender Recipient
Acct. No. in Section
Shipping location Third Party
Domestic Goods cannot be shipped in FedEx Express
Dry Ice Dry SUN 145
Cargo Aircraft Only
Other Accts. Credit Card
Acct. No. Cash/Check

8 Release Signature

Sign to acknowledge delivery without obtaining signature
Our liability is limited to \$100 unless you declare a higher value. See the FedEx Service Guide for details.

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10 Total Weight

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11 Total Packages

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12 Total Charge

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By signing you authorize us to deliver this shipment without obtaining a signature
and agree to indemnify and hold harmless from any resulting claims
Questions? Visit our Web site at www.fedex.com

28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

McKeon, et al.

Serial No: 09/575,580

Filed: May 22, 2000

For: *Calcipressins; Endogenous Inhibitors
of Calcineurin, Uses and Reagents
Related Thereto*

Art Unit: 1646

Examiner: To Be Assigned

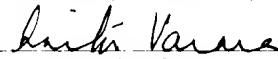
Duplicate
Petition
(of PAP)
11



Attorney Docket No: HMV-048.01

CERTIFICATE OF FIRST CLASS MAILING

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Anita Varma

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Washington, DC 20231

Sir:

PETITION AND DECLARATION UNDER 37 C.F.R. § 1.47

Pursuant to 37 C.F.R. § 1.47(a), Applicants respectfully petition the Commissioner to allow the available joint inventors to make the above-captioned application for patent on behalf of themselves, and on behalf of a joint inventor, Dr. Kayako Kimbara, who could not be found or reached after diligent effort. As set forth in more detail below and in the attached exhibits, Applicants have been unable to find or reach Dr. Kayako Kimbara.

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6. Upon joining Harvard University as a post-doctoral fellow, Dr. Kayako Kimbara, executed an agreement with the President and Fellows of Harvard University, stating that she would assign all rights to any invention or discovery conceived or reduced to practice as part of or related to her University activities. Dr. Kayako Kimbara further agreed to fully cooperate in the preparation and prosecution of patent applicants and to execute all documents necessary thereto. See Exhibit A.
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The letter was received and signed for by Jiangyu Zhu on November 13, 2000.

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12. On November 15, 2000, the undersigned sent a copy of the specification and declaration

13. Finally, on December 4, 2000, the undersigned sent a copy of the specification and declaration to the same address. This package was also returned to the undersigned. See Exhibit E.

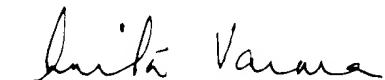
Accordingly, Applicants respectfully submit that despite "diligent effort", Applicants have been unable to reach or find Dr. Kayako Kimbara. Thus, Applicant respectfully petitions, under 37 C.F.R. §1.47(a), that the available joint inventors be allowed to make the above-captioned application for patent on behalf of the nonsigning inventor Dr. Kayako Kimbara.

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Respectfully submitted,
FOLEY, HOAG, & ELIOT, LLP

Dated: March 2, 2001


Anita Varma, Esq.
Registration No. 43,221
Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109

Customer No: 25181



FOLEY, HOAG & ELIOT LLP

ONE POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109-2170

Anita Varma, Esq.*

*Admitted in Maryland and New Jersey only
(617) 832-1242
axv@fhe.com

TELEPHONE 617-832-1000

FACSIMILE 617-832-7000
<http://www.fhe.com>

1747 PENNSYLVANIA AVE., N.W.
SUITE 1200
WASHINGTON, D.C. 20006
TEL: 202-223-1200
FAX: 202-785-6687

October 31, 2000

VIA CERTIFIED MAIL

Kayako Kimbara
1455 Beacon Street
Brookline, MA 02446

Re: Utility Patent Application No.: 09/575,580
Filing Date: May 22, 2000
Title: CALCIPRESSINS: ENDOGENOUS INHIBITORS OF CALCINEURIN, USES AND REAGENTS RELATED THERETO
Inventors: Frank McKeon et al.
Our Reference: HMV-048.01 (19788-4801)

Dear Ms. Kimbara:

Enclosed please find a Declaration and Power of Attorney document regarding the above-referenced patent application. Please carefully read, date and sign in blue ink, if appropriate, the attached Declaration and return it to us by November 14, 2000. We have enclosed a pre-addressed envelope for your convenience.

If you have any questions, please do not hesitate to call.

Sincerely,

Anita Varma

Enclosure

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Kayoko Kimbura, 1455 Beacon St, Brookline, MA 02446

4124 1575

4124

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
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Name (Please Print Clearly) (to be completed by mailer)
Anita Vanna, Esq., Foley, Hoag & Eliot
Street, Apt. No. or PO Box No.
One Post Office Square
Boston, MA 02109

PS Form 3800, July 1999

See Reverse for Instructions

SENDER: <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: Kayako Kimbara 1455 Beacon Street Brookline, MA 02446		4a. Article Number 709934000010 41241575
5. Received By: (Print Name) Joanne S. M.		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
6. Signature: (Addressee or Agent) X		7. Date of Delivery 11-13-94
8. Addressee's Address (Only if requested and fee is paid)		

PS Form 3811, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

**FORMALITIES LETTER**

OC00000005291385

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231*See*

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/575,580	05/22/2000	Frank McKeon	HMV-048.01

Patent Group
Foley Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170

Respond to Missing Parts
DUE: 10.2.00
FINAL: 3.2.01

Date Mailed: 08/02/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$312.
■ \$312 for 4 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1132.**

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

ATTN: DEPT.
BICKETING

3538

 **FOLEY FOLEY, HOAG & ELIOT LLP**
ATTORNEYS AT LAW
HOAG PATENT ACCOUNT
1 POST OFFICE SQUARE
BOSTON, MA 02109

FLEET NATIONAL BANK
BOSTON, MA 02115
5-13/110

3/2/2001

\$ **945.00

PAY TO THE Commissioner Of Patents And Trademarks
ORDER OF

Nine Hundred Forty-Five and 00/100

DOLLARS 

MEMO Extension Fee 5 months

003538 10110001381 00512 76568**

FOLEY, HOAG & ELIOT LLP / PATENT ACCOUNT

Commissioner Of Patents And Trademarks
19788-4801(axv659)

3/2/2001

3538

945.00

Patent Account

Extension Fee 5 months

945.00



FOLEY FOLEY, HOAG & ELIOT LLP
PATENT ACCOUNT
HOAG 1 POST OFFICE SQUARE
ATTORNEYS AT LAW
BOSTON, MA 02109

FLEET NATIONAL BANK
BOSTON, MA 02115
5-13/110

3537

3/2/2001

PAY TO THE
ORDER OF Commissioner Of Patents And Trademarks

\$ **130.00

One Hundred Thirty and 00/100

DOLLARS

MEMO Petition Under Rule 47

003537 0110001380 00512 76568

FOLEY, HOAG & ELIOT LLP / PATENT ACCOUNT

Commissioner Of Patents And Trademarks
19788-4801(axv659)

3/2/2001

3537

130.00

Patent Account

Petition Under Rule 47

130.00



FOLEY, HOAG & ELIOT LLP

ONE POST OFFICE SQUARE

BOSTON, MASSACHUSETTS 02109-2170

Anita Varma, Esq.*

*Admitted in Maryland and New Jersey only
(617) 832-1242
axv@fhe.com

TELEPHONE 617-832-1000

FACSIMILE 617-832-7000
<http://www.fhe.com>

1747 PENNSYLVANIA AVE., N.W.

SUITE 1200
WASHINGTON, D.C. 20006
TEL: 202-223-1200
FAX: 202-785-6687

December 4, 2000

VIA CERTIFIED MAIL

Kayako Kimbara
1455 Beacon Street
Brookline, MA 02446

Re: Utility Patent Application No.: 09/575,580
Filing Date: May 22, 2000
Title: CALCIPRESSINS: ENDOGENOUS INHIBITORS OF CALCINEURIN, USES AND REAGENTS RELATED THERETO
Inventors: Frank McKeon et al.
Our Reference: HMV-048.01 (19788-4801)

Dear Ms. Kimbara:

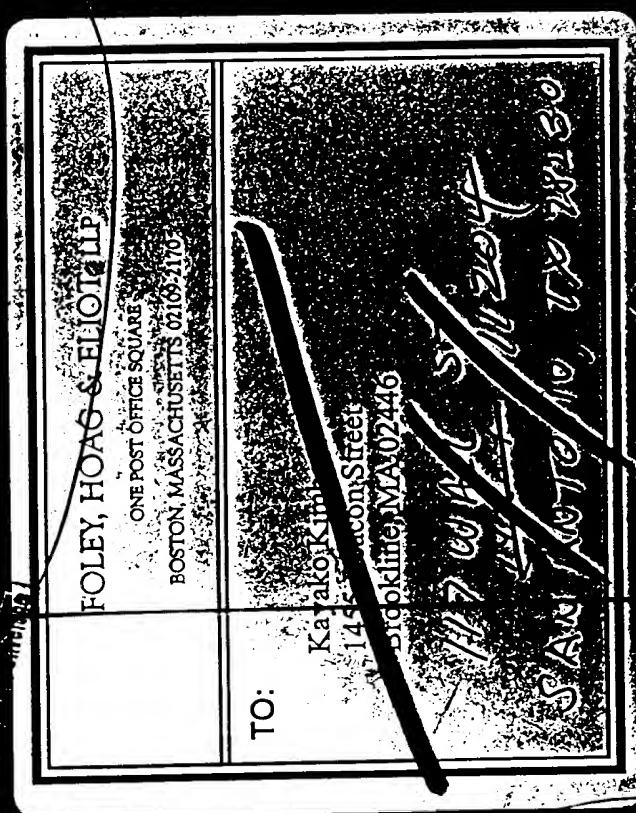
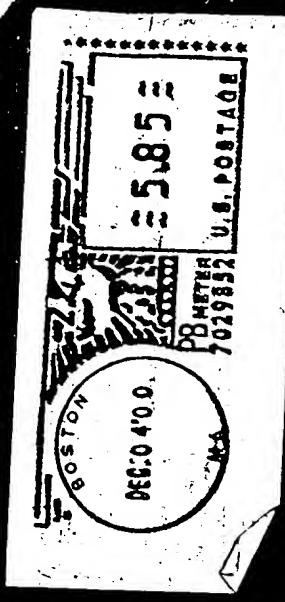
Enclosed please find a copy of the specification for the above-referenced application. We attempted to deliver this to you at the address listed above via federal express on November 15, 2000.

Please also note that we have not yet received from you the executed Declaration and Power of Attorney document we mailed to you on October 31, 2000. Please carefully read, date and sign in blue ink, if appropriate, the Declaration and return it to us as soon as possible as we are trying to meet a deadline of January 2, 2001.

If you have any questions, please do not hesitate to call.

Sincerely,


Anita Varma



PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS
FOLD AT DOTTED LINE

CERTIFIED MAIL